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MINUTES

CASE NUMBER: CV 08-00136-HG-KSC

CASE NAME: Luis Sancho, Walter L. Wagner v. U.S.
Department of Energy, Fermilab, Center for
Nuclear Energy Research (CERN), National
Science Foundation, DOE Entities 1-100,

ATTYS FOR PLA: Luis Sancho, Pro Se
Walter L. Wagner, Pro Se

ATTYS FOR DEFT: Derrick K. Watson, AUSA
Andrew A. Smith, AUSA
Dr. Bruce Strauss

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| JUDGE: | Helen Gillmor | REPORTER: | Debra Chun |
| DATE: | September 2, 2008 | TIME: | 10:00 - 10:55 |

COURT ACTION:

Discussion held.

FEDERAL DEFENDANTS' COMBINED MOTION TO DISMISS AND MOTION
FOR SUMMARY JUDGMENT (Doc. No. 14)

Plaintiffs allege that Defendants have failed to adhere to the requirements of the European Council's "Precautionary Principle" and the European Commission's "Science and Society Action Plan" in regulating the risk posed by the Large Hadron Collider. (Compl. ¶¶ 23-24.) Neither of those documents, however, have been incorporated into domestic law, by international treaty or otherwise. Nor do Plaintiffs cite to any statute waiving the United States' immunity to suit for such claims. Without such waiver, this Court has no jurisdiction to adjudicate these claims. See United States v. Mitchell, 463 U.S. 206, 212 (1983).

Part I(C) of FEDERAL DEFENDANTS' COMBINED MOTION TO DISMISS AND MOTION FOR SUMMARY JUDGMENT is **GRANTED**.

The remainder of FEDERAL DEFENDANTS' COMBINED MOTION TO DISMISS AND MOTION FOR SUMMARY JUDGMENT is **TAKEN UNDER SUBMISSION**.

Furthermore, because of the numerous violations of local rules by all parties to the above-captioned motion, the Court requires that all parties move for permission by

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the Court before submitting any further filings with respect to the Motion.

Any motion for leave to file further pleadings must attach the proposed filing to the motion for leave to file.

All pleadings that are required to be filed in any other matter before the Court remain due according to the applicable rules.

FEDERAL DEFENDANTS' EX PARTE APPLICATION TO STRIKE PLAINTIFFS' UNTIMELY RESPONSES TO FEDERAL DEFENDANTS' MOTION TO DISMISS OR, IN THE ALTERNATIVE, FOR AN OPPORTUNITY TO REPLY (Doc. No. 56) is **DENIED**.

Submitted by: Mary Rose Feria, Courtroom Manager